REMARKS/ARGUMENTS

The Examiner has delineated the following inventions as being patentably distinct.

Group I: Claims 1-19, drawn to methods of finding an immunosuppressive agent with a less thrombocytopenia effect, classified in class 435, subclass 7.1;

Group II: Claims 20-21, drawn to a kit for the identification of an immunosuppressive agent, classified in class 422, subclass 61;

Group III: Claims 22, 28, drawn to an HDAC inhibitor, classified in class 536, subclass 1;

Group IV: Claims 23-25, 29, drawn to immunosuppressive agents, classified in class 536, subclass 1; and

Group V: Claim 27, drawn to a therapeutic method for disease, classified in class 536, subclass 1.

Applicants provisionally elect, with traverse, the invention of Group I, Claims 1-19, drawn to a method of finding an immunosuppressive agent with a less thrombocytopenia effect.

The claims of Groups I-V are integrally linked as final product and method of use.

Restriction is only proper if the claims of the restricted groups are independent or patentably distinct and there would be a serious burden placed on the Examiner if restriction is not required (M.P.E.P. § 803). The burden of proof is on the Examiner to provide reasons and/or examples to support any conclusions that the claims of the restricted groups are patentable distinct. Restriction between a product and a process for its production is proper when the product can be produced by another method. Applicants respectfully traverse the restriction requirement on the ground that the Examiner has not provided sufficient reason or example to support patentable distinctness. Final product and method of making said product are interdependent and should be examined together on the merits especially wherein the sole

disclosed utility of the product is that recited in the specification. Different classification of subject matter to be divided is not proof of independent status and divisibility. Composition and method for making are considered related inventions under 37 C.F.R. § 1.475(b) and unity of invention between the groups exists.

Applicants respectfully traverse on the additional grounds that the Office has not shown that a burden exists in searching the entire application.

Further the M.P.E.P. § 803 states as follows:

> If the search and examination of an entire application can be made without a serious burden, the Examiner must examine it on the merits, even though it includes claims to distinct and independent inventions.

Applicants submit that a search of all the claims would not constitute a serious burden on the office. In fact, the International Search Authority has searched all of the claims together. As the Office has not shown any evidence that restriction should now be required when the International Preliminary Examination Report did not, the Restriction is believed to be improper. 37 C.F.R. § 1.475(b) provides in relevant part that "a national stage application containing claims to different categories of invention will be considered to have unity of invention if the claims are drawn to product, manufacture of said product and use of said product.

For the reasons recited above, Applicants request that the Restriction Requirement be withdrawn.

Further, Applicants reserve the right to file a divisional application on the non-elected subject matter, if so desired, and be accorded the benefit of the filing date of the parent application.

Applicants respectfully submit that the above-identified application is now in condition for examination on the merits and an early notice of such action is earnestly solicited.

Respectfully submitted,

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